



OFFICE MEMORANDUM

DATE: December 16, 1999

TO: Regional Engineers
Regional Associate Delivery Engineers
Regional Construction Engineers
Resident/Project Engineers/TSC Managers
Regional Materials Supervisors/Engineers

FROM: C. Thomas Maki
Chief Operations Officer

Gary D. Taylor
Chief Engineer/Deputy Director
Bureau of Highway Technical Services

SUBJECT: Bureau of Highway Instructional Memorandum 1999-16
Unreasonable Delays due to Utility Companies

Instructional Memorandum 1999-16 replaces Office Memorandum 1994-F Unreasonable Delays due to Utility Companies.

When a contractor is unreasonably delayed due to a utilities action or inaction as discussed in the 1996 Standard Specifications for Construction, 1.09.03, write up the contract modification in the following manner:

1. Write a separate contract modification solely devoted to the utility related delay.
2. State on the contract modification that the costs incurred are the responsibility of the utility company (include utility's address).

For projects having Michigan Department of Transportation jurisdiction, the Transportation Service Center (TSC) will forward a copy of the authorized contract modification, after it is approved, to the Utilities Coordination and Permits Section, Real Estate Division, who in turn will be responsible for recovering costs.

For projects having local agency jurisdiction, it is up to the local agency to recover their costs. The TSC manager should contact the local agency and advise them to pursue cost recovery from the utility.

In all cases, the utility company should be notified by the resident engineer/project engineer of utility delays as soon as possible, and that cost recovery may be pursued.

Chief Operations Officer

Chief Engineer/Deputy Director

Subject Index: Utilities

BOHTS:C/T:RDC:kab

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